IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1178 of 2007
In
Criminal Application No.2780 of 2002

Shri Mohan C. Gurudasani Applicant
Vs.
Shri Harish Ramjibhai Singh & ors. Respondents

Mr.Sachin Dhakephalkar for applicant.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

October 26, 2007.

P.C.

. Heard Mr.Sachin Dhakephalkar, the learned counsel for the applicant.

. By this application the applicant prays for restoration of Criminal Application No.2780 of 2002 which was dismissed in default as per the conditional order dated 17/7/2003.

. Criminal Application No.429 of 2003 was filed seeking leave to appeal against the order of acquittal passed in C.C. No.124/S/1992 by the learned Addl. Chief Metropolitan Magistrate, 9th Court at Bandra on 22/1/2002. The said application was filed beyond time and, therefore, Criminal Application No.2780 of 2002 was filed for condonation

of delay. The delay condonation application was dismissed in default and the said order was not noticed till 22nd February 2007. This Court passed an order observing that Criminal Application No.429 of 2003 did not survive. This restoration application has been filed thereafter.

. Delay condoned and the application is allowed in terms of prayer clauses (b) and (c).

(B.H.MARL